

Fiscal Note

Fiscal Services Division



SF 2333 – Dependent Adult Abuse and Hospital Inspections (LSB 5594SV)

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Fiscal Note Version – New

Description

Senate File 2333 establishes explicit qualifications for hospital inspectors. With respect to dependent adult abuse reports in programs and facilities, an inspector of the Department of Inspections and Appeals (DIA) may enter a facility without a warrant and may examine all records pertaining to residents, employees, former employees, and the alleged dependent adult abuser. If the inspector knows or learns during the investigation that alleged abuse is suspected, the inspector is required to provide that information to the program or facility. The DIA is required to inform the person suspected of dependent adult abuse of that suspicion and inform the individual about the criminal consequences and their right to have legal council.

The Bill establishes an administrative review process for a caretaker in a facility or program that is accused of dependent adult abuse. The caretaker will have the right to an emergency adjudicative proceeding before an Administrative Law Judge to determine if the caretaker should be allowed to continue employment in the facility or program pending the result of the contested case hearing. The emergency adjudicative proceeding will take place within five business days of the DIA allegation that dependent adult abuse occurred. A contested case hearing to determine whether dependent adult abuse occurred is required to be held within 45 days of the emergency adjudicative proceeding unless the time period is waived by the caretaker.

Background

Currently the DIA has no five day emergency adjudicative proceeding. The Abuse Coordinating Unit schedules two hearings per week and contested case hearings are heard on average six months from the date of the appeal. Either party may request a continuance as well. Requiring compressed turn around time will require additional staffing to be able to prepare the cases in an expedited time frame.

Assumptions

- There were 243 founded cases during FY 2009. The fiscal estimate assumes there will be the same number in FY 2011 and the emergency adjudicative proceeding would require 243 new hearings in FY 2011 that the Department does not currently conduct.
- The DIA would need to add 7.5 FTE positions to be in compliance with the emergency hearing within five days requirement and to reduce the timeframe of appeals to 45 days. The Department would hire 5.0 Attorneys, 2.0 Compliance Officers, and 0.5 Administrative Law Judge.
- Additional costs for attorney travel, supplies, and communications would be required.

Fiscal Impact

The additional cost to the General Fund is estimated to be \$577,000 and 7.5 FTE positions for FY 2011 and \$595,000 for FY 2012.

Source

Department of Inspections and Appeals

/s/ Holly M. Lyons

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